

**RESOLUTION NO. CZAB12-23-07**

*WHEREAS, MERRINECK ESTATES L. L. C. & MEDICO INTERNATIONAL REALTY*

**HOLDINGS L. L. C.** applied for the following:

- (1) RU-5A to RU-5
- (2) DELETION of a Declaration of Restrictions recorded in Official Record Book 12486, Pages 842-847.

The purpose of request #2 is to remove a restriction requiring the property to be used only as an architect's office, florist, sod and nursery business and to allow the development of the site in accordance with the proposed zoning.

- (3) Applicant is requesting to permit parking within 25' of an official right-of-way (none permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Galloway Medical Pavilion," as prepared by Bellon, Milanes, Architects and Planners, dated stamped received 5/9/07 and consisting of 6 sheets.

SUBJECT PROPERTY: PARCEL "A": Tract 33 of DADE COUNTY DEVELOPMENT CO. SUBDIVISION, Plat book 1, Page 84 in Section 33, Township 54 South, Range 40 East, less the south 450' and less the right-of-way, Official Record Book 9451, Page 1178. AND: PARCEL "B": The north 111' of the south 450' of Tract 33 of DADE COUNTY DEVELOPMENT CO. SUBDIVISION, Plat book 1, Page 84 in Section 33, Township 54 South, Range 40 East, Plat book 1, Page 84.

LOCATION: 7600 and 7650 S.W. 87 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-5 (Item #1), and the requests to delete a Declaration of Restrictions recorded in Official Record Book

12486, Pages 842-847 (Item #2), and to permit parking within 25' of an official right-of-way

(Item #3) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

*WHEREAS*, a motion to deny the application without prejudice was offered by Elliot N. Zack, seconded by Jose I. Valdes, and upon a poll of the members present the vote was as follows:

|                       |        |                    |        |
|-----------------------|--------|--------------------|--------|
| Peggy Brodeur         | aye    | Jose I. Valdes     | aye    |
| Edward D. Levinson    | absent | Robert W. Wilcosky | absent |
| Alberto Santana       | absent | Elliot N. Zack     | aye    |
| Carla Ascencio-Savola |        |                    | aye    |

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to RU-5 (Item #1), and the requests to delete a Declaration of Restrictions recorded in Official Record Book 12486, Pages 842-847 (Item #2), and to permit parking within 25' of an official right-of-way (Item #3) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 10<sup>th</sup> day of July 2007.

Hearing No. 07-7-CZ12-3  
Is

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-23-07 adopted by said Community Zoning Appeals Board at its meeting held on the 10<sup>th</sup> day of July 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 16<sup>th</sup> day of July 2007.



Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning

**SEAL**





Department of Planning and Zoning

Stephen P. Clark Center  
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miamidade.gov

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Seaport

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Team Metro

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Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer

July 16, 2007

Merrineck Estates LLC, et al.  
c/o Ben Fernandez, Esq.  
Bercow Radell & Fernandez P.A.  
Wachovia Financial Center  
200 South Biscayne Blvd., Suite 850  
Miami, FL 33131

Re: Hearing No. 07-7-CZ12-3 (07-69)  
Location: 7600 & 7650 S.W. 87 Avenue,  
Miami-Dade County, Florida.

Dear Mr. Fernandez:

Enclosed herewith is a copy of Resolution No. CZAB12-23-07, adopted by Miami-Dade County's Community Zoning Appeals Board 12, which denied, without prejudice, your clients' application for a rezoning to RU-5, deletion of a declaration of restrictions, and a parking related variance, at the above-note location.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11<sup>th</sup> floor of the Stephen P. Clark Building, 111 N.W. 1<sup>st</sup> Street, Miami, FL 33128. The date of posting is July 16, 2007.

For information regarding filing an appeal please contact the Zoning Hearings office at the address noted above or call (305) 375-2640.

Cordially,

Lou Salvat  
Deputy Clerk

Enclosure

*Delivering Excellence Every Day*